

Case 6:09-cv-06017-TC Document 70 Filed 06/21/10 Page 1 of 2

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

FRONTIER RECOVERY, LLC,

O R D E R  
Civ. No. 09-6017-TC

Plaintiff,

vs.

LANE COUNTY, an Oregon political  
subdivision,

Defendant.

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AIKEN, Chief Judge:

Magistrate Judge Coffin filed his Findings and Recommendation on April 14, 2010. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). When a party objects to any portion of the Magistrate's Findings and Recommendation, the district court must make a de novo

1 determination of that portion of the Magistrate's report. 28  
2 U.S.C. § 636(b)(1)(B); McDonnell Douglas Corp. v. Commodore  
3 Business Machines, 656 F.2d 1309, 1313 (9th Cir. 1981), cert.  
4 denied, 455 U.S. 920 (1982).

5 Both plaintiff and defendant have timely filed objections.  
6 I have, therefore, given the file of this case a de novo review.  
7 I ADOPT the Magistrate's Findings and Recommendation (doc. 64)  
8 that defendant's motion for summary judgment (doc. 42) is granted  
9 in part and denied in part as stated in Judge Coffin's Findings  
10 and Recommendation as follows: defendant's motion is denied as  
11 to plaintiff's claims under RCRA's subsection (B); state  
12 statutory claim for cost recovery; and state statutory  
13 contribution claim. Defendant's motion is granted as to  
14 plaintiff's claims under RCRA's subsection (A); state common law  
15 claim for indemnify without prejudice to refileing if plaintiff  
16 receives a closing letter from DEQ; and state common law nuisance  
17 claim.

18 IT IS SO ORDERED.

19 Dated this 17 day of June 2010.  
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24 Ann Aiken  
25 United States District Judge  
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